

REMARKS

Claims 22 and 36-39 have been amended. New claims 50-55 have been added. Accordingly, claims 1-2, 9-10 and 14-55 are currently pending in the above application.

These remarks address differences between the pending claims and Ogden in addition to the differences mentioned in the previously filed remarks. In particular, it has already been pointed out to the Examiner that claim 22 recites a foam having reversible enhanced thermal properties. Ogden is completely silent on this point.

The presently claimed invention is directed to a moisture transfer composite having a plurality of layers assembled in a particular manner to transfer moisture or moisture vapor. Claim 39 clearly recites this feature.

Neither the order of the layers nor the moisture transfer characteristics of the present invention are disclosed or suggested by Ogden. Ogden's invention is directed to an insole whose "overall objective" in each embodiment is to "substantially prevent movement of the foot 16 with respect to sock 14" (see column 14, lines 46-48 and Figure 2). For this purpose, Ogden provides an apertured top layer formed of

an ethylene-vinyl acetate copolymer whose vinyl acetate content can be varied to vary the coefficient of friction (see column 6, lines 27-30). A non-woven layer is sandwiched between this apertured top sheet and a barrier layer or foam, which is used as a cushioning layer. Nowhere does Ogden disclose or suggest that the foam could or should be breathable or be capable of transferring moisture. At the same time, however, Ogden does disclose the moisture absorbing and wicking characteristics of the non-woven layer. Furthermore, Nowhere does Ogden mention any moisture movement beyond the non-woven layer. Ogden's concern is to remove moisture from the apertured top layer.

Therefore, Applicant submits that it is improper for the Examiner to presume that the invention of Ogden would "inherently anticipate the physical properties" of Applicant's invention, especially given Ogden's overall objective of limiting movement of a foot relative to a sock. Applicant also submits that it is improper for the Examiner to conclude that there are no structural differences between the present invention and Ogden.

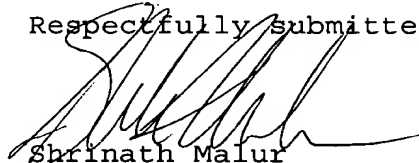
None of Ogden's embodiments disclose a foam material, of any type, followed by a non-woven material. Therefore, even

without considering the characteristics of the foam material used according to the present invention, Ogden's structure is different. In addition, independent claims 9, 14 and 16 include other structural limitations that are neither disclosed by Ogden nor properly considered by the Examiner. Nonetheless, it is submitted that the distinctions made above with respect to Ogden are sufficient to overcome the rejection. As such, Applicant requests that a Notice of Allowance be mailed.

Conclusion

In view of the foregoing amendments and remarks, Applicant contends that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



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Date: November 17, 2003